IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13918 of 2004

Between:

Ganasala Pentaiah S/o Veera Reddy, Aged 55 years,
R/o Tadimalla Village, Nidadavolu Mandal,

West Godavari District

..... PETITIONER

AND

1. The Mandal Revenue Officer, Nidadavolu Mandal,

West Godavari District
2. The Revenue Divisional Officer, Kovvur,

West Godavari District
3. The District Collector, Eluru, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the Respondent in interfering with my peaceful possession and enjoyment of the land for an extent of Ac. 0-08 cents in S. No. 698, Kata Koteswaram, Village and Nidadavolu Mandal, West Godavari District as illegal, arbitrary, high handed and against the principles of natural justice and is violation of Article 300 A of the Constitution of India and consequently direct the respondents to consider assignment of the land and not to interfere with the peaceful possession and enjoyment of the land in S. No. 698 of Kata Koteswaram Village of Nidadavolu Mandal, West Godavari District.

Counsel for the Petitioner: MR.G.JAYAPRAKASH BABU

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE (ASSIGNMENT)

The Court at the admission stage made the following :

ORDER:

The petitioner alleges that he has been in possession of agricultural land admeasuring Ac.0.80 cents in Survey No.698 of Kata Koteswaram village in Nidadavolu Mandal of West Godavari District. He alleges that the Mandal Revenue Officer, the first respondent herein came to the petitioner's land and threatened with eviction. Therefore, the petitioner invoked the jurisdiction of this Court under Article 226 of the Constitution of India to protect his possession.

Heard the learned Assistant Government Pleader for Revenue (Assignment). On the basis of vague averments made in the affidavit accompanying the writ petition, no relief can be granted to the petitioner. However, it is made clear that the law requires the Mandal Revenue Officer to follow a fair and reasonable procedure in accordance with law before an encroacher is evicted from the land. Unless and until the Mandal Revenue Officer or any Revenue Official follow the due process of law as per the provisions of the A.P. Land Encroachment Act, 1905, A.P. Land Grabbing (Prohibition) Act, 1982 or Board Standing Order No.15, the petitioner cannot be evicted from the land, if he is in possession of the land as alleged.

The writ petition is dismissed at the admission stage.

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Date : August 09, 2004. **V.V.S. RAO, J**

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Nidadavolu Mandal,

West Godavari District
2. The Revenue Divisional Officer, Kovvur,

West Godavari District
3. The District Collector, Eluru, West Godavari District

4. Two CCs to the Government Pleader for Revenue (Assignment),

High Court of Andhra Pradesh, Hyderabad (O.U.T)

5. Two C.D. copies.